

Introduced by Senator Huff

February 2, 2010

An act to amend Section 1808.4 of the Vehicle Code, relating to the Department of Motor Vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 938, as introduced, Huff. Department of Motor Vehicles: records: confidentiality.

Existing law prohibits the disclosure of the home addresses of certain public employees and officials that appear in any records of the Department of Motor Vehicles, except to a court, a law enforcement agency, an attorney in a civil or criminal action under certain circumstances, and certain other official entities. Existing law prohibits the disclosure of the home address of the spouse or child of those specified public employees and officials, and of the surviving spouse or child of a peace officer who died in the line of duty.

This bill would allow disclosure of the home addresses of those spouses, surviving spouses, or children if they were convicted of a crime and are on active parole or probation.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1808.4 of the Vehicle Code is amended
- 2 to read:
- 3 1808.4. (a) For all of the following persons, his or her home
- 4 address that appears in a record of the department is confidential
- 5 if the person requests the confidentiality of that information:

- 1 (1) Attorney General.
- 2 (2) State Public Defender.
- 3 (3) A Member of the Legislature.
- 4 (4) A judge or court commissioner.
- 5 (5) A district attorney.
- 6 (6) A public defender.
- 7 (7) An attorney employed by the Department of Justice, the
- 8 office of the State Public Defender, or a county office of the district
- 9 attorney or public defender.
- 10 (8) A city attorney and an attorney who submits verification
- 11 from his or her public employer that the attorney represents the
- 12 city in matters that routinely place the attorney in personal contact
- 13 with persons under investigation for, charged with, or convicted
- 14 of, committing criminal acts, if that attorney is employed by a city
- 15 attorney.
- 16 (9) A nonsworn police dispatcher.
- 17 (10) A child abuse investigator or social worker, working in
- 18 child protective services within a social services department.
- 19 (11) An active or retired peace officer, as defined in Chapter
- 20 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
- 21 Code.
- 22 (12) An employee of the Department of Corrections and
- 23 Rehabilitation, Division of Juvenile Facilities, or the Prison
- 24 Industry Authority specified in Sections 20403 and 20405 of the
- 25 Government Code.
- 26 (13) A nonsworn employee of a city police department, a county
- 27 sheriff's office, the Department of the California Highway Patrol,
- 28 a federal, state, or local detention facility, or a local juvenile hall,
- 29 camp, ranch, or home, who submits agency verification that, in
- 30 the normal course of his or her employment, he or she controls or
- 31 supervises inmates or is required to have a prisoner in his or her
- 32 care or custody.
- 33 (14) A county counsel assigned to child abuse cases.
- 34 (15) An investigator employed by the Department of Justice, a
- 35 county district attorney, or a county public defender.
- 36 (16) A member of a city council.
- 37 (17) A member of a board of supervisors.
- 38 (18) A federal prosecutor, criminal investigator, or National
- 39 Park Service Ranger working in this state.

1 (19) An active or retired city enforcement officer engaged in
2 the enforcement of the Vehicle Code or municipal parking
3 ordinances.

4 (20) An employee of a trial court.

5 (21) A psychiatric social worker employed by a county.

6 (22) A police or sheriff department employee designated by the
7 Chief of Police of the department or the sheriff of the county as
8 being in a sensitive position. A designation pursuant to this
9 paragraph shall, for purposes of this section, remain in effect for
10 three years subject to additional designations that, for purposes of
11 this section, shall remain in effect for additional three-year periods.

12 (23) A state employee in one of the following classifications:

13 (A) Licensing Registration Examiner, Department of Motor
14 Vehicles.

15 (B) Motor Carrier Specialist 1, Department of the California
16 Highway Patrol.

17 (C) Museum Security Officer and Supervising Museum Security
18 Officer.

19 (24) (A) The spouse or child of a person listed in paragraphs
20 (1) to (23), inclusive, regardless of the spouse's or child's place
21 of residence.

22 (B) The surviving spouse or child of a peace officer, as defined
23 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
24 2 of the Penal Code, if the peace officer died in the line of duty.

25 (C) *Subparagraphs (A) and (B) shall not apply if the person*
26 *listed in those subparagraphs was convicted of a crime and is on*
27 *active parole or probation.*

28 (b) The confidential home address of a person listed in
29 subdivision (a) shall not be disclosed, except to any of the
30 following:

31 (1) A court.

32 (2) A law enforcement agency.

33 (3) The State Board of Equalization.

34 (4) An attorney in a civil or criminal action that demonstrates
35 to a court the need for the home address, if the disclosure is made
36 pursuant to a subpoena.

37 (5) A governmental agency to which, under any provision of
38 law, information is required to be furnished from records
39 maintained by the department.

1 (c) (1) A record of the department containing a confidential
2 home address shall be open to public inspection, as provided in
3 Section 1808, if the address is completely obliterated or otherwise
4 removed from the record.

5 (2) Following termination of office or employment, a
6 confidential home address shall be withheld from public inspection
7 for three years, unless the termination is the result of conviction
8 of a criminal offense. If the termination or separation is the result
9 of the filing of a criminal complaint, a confidential home address
10 shall be withheld from public inspection during the time in which
11 the terminated individual may file an appeal from termination,
12 while an appeal from termination is ongoing, and until the appeal
13 process is exhausted, after which confidentiality shall be at the
14 discretion of the employing agency if the termination or separation
15 is upheld. Upon reinstatement to an office or employment, the
16 protections of this section are available.

17 (3) With respect to a retired peace officer, his or her home
18 address shall be withheld from public inspection permanently upon
19 request of confidentiality at the time the information would
20 otherwise be opened. The home address of the surviving spouse
21 or child listed in subparagraph (B) of paragraph (24) of subdivision
22 (a) shall be withheld from public inspection for three years
23 following the death of the peace officer.

24 (4) The department shall inform a person who requests a
25 confidential home address what agency the individual whose
26 address was requested is employed by or the court at which the
27 judge or court commissioner presides.

28 (d) A violation of subdivision (a) by the disclosure of the
29 confidential home address of a peace officer, as specified in
30 paragraph (11) of subdivision (a), a nonsworn employee of the
31 city police department or county sheriff's office, or the spouses or
32 children of these persons, including, but not limited to, the
33 surviving spouse or child listed in subparagraph (B) of paragraph
34 (24) of subdivision (a), that results in bodily injury to the peace
35 officer, employee of the city police department or county sheriff's
36 office, or the spouses or children of these persons is a felony.